

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY D. MCCLURE (#301486),

Plaintiff,

CASE NO. 2:11-CV-12035  
JUDGE GERALD E. ROSEN  
MAGISTRATE JUDGE PAUL J. KOMIVES

v.

CITY OF DETROIT,  
ELLA BULLY-CUMMINGS and  
ROY HARRIS,

Defendants,

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**SCHEDULING ORDER REGARDING DEFENDANTS’  
MAY 22, 2013 MOTION FOR SUMMARY JUDGMENT (Doc. Ent. 26)**

Timothy D. McClure (#301486) is currently incarcerated at the Pugsley Correctional Facility (MPF) in Kingsley, Michigan.<sup>1</sup> On May 10, 2011, while incarcerated at the Gus Harrison Correctional Facility (ARF), McClure filed a pro se, verified complaint. Defendants are the City of Detroit, Chief of Police Ella Bully-Cummings and Sgt. Roy Harris. Doc. Ent. 1.

Judge Rosen has referred this case to me for all pretrial matters. Doc. Ent. 7. Currently pending before the Court is defendants’ May 22, 2013 motion for summary judgment, wherein defendants argue that “plaintiff’s claims [are] subject to dismissal due to lapsing of the three year federal statute of limitations and two year state statute of limitations where Plaintiff’s civil rights claims and state assault and battery claim accrued on January 9, 2008, and where plaintiff did not file his complaint until May 10, 2011.” Doc. Ent. 26 at 4.

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<sup>1</sup>See Doc. Ent. 13, [www.michigan.gov/corrections](http://www.michigan.gov/corrections), “Offender Search.”

Upon consideration, plaintiff SHALL have up to and including August 15, 2013 by which to file a response. Defendants SHALL file any reply in accordance with E.D. Mich. LR 7.1.

**IT IS SO ORDERED.**

The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of service of a copy of this order within which to file an appeal for consideration by the district judge under 28 U.S.C. § 636(b)(1).

Dated: July 16, 2013

s/ Paul J. Komives  
PAUL J. KOMIVES  
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on July 16, 2013, electronically and/or by U.S. mail.

s/Michael Williams  
Relief Case Manager